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The Commonwealth of Massachusetts

Charter School Regulations

601 CMR 1.00
"Procedures for the Establishment of Charter Schools"

For more information regarding these regulations governing the procedures for the establishment of charter schools, contact:

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601 CMR 1.00: PROCEDURES FOR THE ESTABLISHMENT OF CHARTER SCHOOLS

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1.01: Scope, Purpose and Authority

(1) Application. 601 CMR 1.00 shall apply to the Executive Office of Education, charter schools, including boards of trustees, administrators and personnel, public school districts with students attending charter schools, charter school students and their parents or guardians.

(2) Purpose. The purpose of 601 CMR 1.00 is to provide uniform rules and procedures governing the establishment of charter schools.

(3) Authority. 601 CMR 1.00 is promulgated under the authority of M.G.L. c. 15A, § 3, M.G.L. c. 71, M.G.L. c. 76, § 12B, and any successor provisions thereto.

1.02: Definitions

As used in 601 CMR, unless the context clearly requires otherwise, terms shall have the meanings ascribed below:

Administrator. Any individual duly authorized by a charter school's board of trustees to manage the programs and operations of the charter school in accordance with its charter and federal and State laws and regulations.

Application Cycle. The one year period ending February 15 during which charter school applications are received by the Secretary of Education for review by March 15.

Board of Trustees. Public agents authorized by the state to supervise and control the charter school. The Board of Trustees shall be considered public employees for purposes of tort liability under M.G.L. c. 258, and for collective bargaining purposes under M.G.L. c. 150E.

Charter. A grant issued by the Secretary of Education per the provisions of M.G.L. c. 71, § 89 and 601 CMR 1.00 allowing the grantee to operate a charter school for a period of five years.

Charter Applicant. An individual(s); group; business or corporate entity; two or more certified teachers; or ten or more parents qualified under M.G.L c. 71, § 89 to apply for a charter.

Charter School. A public school operated under a charter granted by the Secretary of Education which operates independently of any school committee and is managed by a board of trustees.

Secretary. The Secretary of Education or a person duly authorized by the Secretary.

Sending District. A Massachusetts city, town, or regional school district in which a charter school student resides and where the student would otherwise attend a public school.

1.03: General Provisions

(1) Administrative Bulletins. The Secretary may, from time to time, issue administrative bulletins to interpret, implement, and provide guidance on 601 CMR 1.00.

(2) Waivers. Upon written request from a charter applicant or charter school board of trustees, the Secretary may waive the applicability of one or more provisions of 601 CMR 1.00, provided that all such requests and approvals:

(a) are in writing, signed by the waiver applicant;
(b) specify the provisions of 601 CMR 1.00 to be waived, the duration of the waiver, and the circumstances to which the waiver applies;
(c) include a certification that the waiver applicant has made a good faith effort to comply with said provisions; and
(d) are accompanied by supporting documentation considered sufficient by the Secretary to support the special circumstances or the need for relief.

Waivers of 601 CMR 1.00 will be considered only under circumstances the Secretary deems exceptional and shall be granted only to the extent allowed by law.

(3) Prohibitions. Private and parochial schools may not apply for charter school status. Charter schools may not charge an application fee, nor may charter schools charge tuition except to sending districts as specified in M.G.L. c. 71, § 89 and 601 CMR 1.06.

1.04: Charter Application and Charter Granting Procedures

(1) Charter Application and Review. Applications to establish a charter school must be submitted to the Secretary by February 15, under any application forms and guidelines the Secretary may establish. The Secretary will review all charter applications by March 15 and all applicants will be promptly notified of the Secretary's decision. Applications will be reviewed according to criteria outlined in 601 CMR 1.05.

(2) Charter Granting. Charters will be granted to approved charter applicants under such conditions and at such time as the Secretary specifies under 601 CMR 1.05(2). A charter granted by the Secretary shall be effective for five years from the date of issuance, unless revoked or suspended pursuant to M.G.L. c. 71, § 89, and 601 CMR 1.11.

1.05: Criteria for Assessment and Approval of Charter Applications, Awarding of Charters

(1) Criteria for Assessment and Approval of Charter Applications. Charter applications will be reviewed to ensure that the applicant has demonstrated an ability to meet the following criteria:

(a) furtherance of the purposes for establishment of charter schools, which are:

1. to stimulate the development of innovative programs within public education;
2. to provide opportunities for innovative learning and assessments;
3. to provide parents and students with greater options in choosing schools within and outside their school districts;
4. to provide teachers with a vehicle for establishing schools with alternative, innovative methods of educational instruction and school structure and management;
5. to encourage performance-based educational programs; and
6. to hold teachers and school administrators accountable for students' educational outcomes.

(b) conformance with M.G.L. c. 71, § 89 and all other applicable laws and regulations including any guidelines the Secretary may issue;

(c) demonstration of need and support for the proposed charter school in the community in which it would be located and in other communities from which students would be likely to apply;

(d) development of a management structure and plan which enables the charter school to achieve the goals and mission set forth in its charter, including the selection, role, and responsibilities of the board of trustees;

(e) assurance that students will meet the same performance standards, testing and portfolio requirements set by the board of education for students in other public schools;

(f) development of an assessment plan to measure progress toward the goals set forth in its charter;

(g) ability of the charter school to administer its educational programs, school operations, and finances effectively;

(h) establishment of a process to provide to students, parents, the Secretary, other interested parties, and the public all information required by law and regulation, as well as to provide other information the Secretary may request;

(i) development of an admissions policy which takes into consideration the following factors:

1. standards used as part of the admissions process - including but not limited to testing, interviews and recommendations - shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language, or academic achievement;
2. methods for admission should be used to assess abilities necessary to meet the stated goals of the charter school program and assure the ultimate

success of the student, and should not be designed, intended or used to discriminate; and

3. admission criteria will be reviewed for any discriminatory impact the criteria may have on applicants to a charter school, notwithstanding any good faith efforts involved in establishing the criteria.

(j) development of a plan which demonstrates the ability to accomplish the following:

1. recruitment and retention of students;

2. recruitment of qualified teaching and managerial staff; and

3. fiscal and operational viability for the five-year term of the charter.

(k) thoroughness and accuracy of the charter school application.

(2) Conditions for Awarding of Charters to Approved Applicants. Charters shall be awarded subject to the following conditions, however, the Secretary may specify additional conditions for award of charter grants as set forth in 601 CMR 1.04(2):

(a) the charter applicant shall provide the names and addresses of its board of trustees, a plan for the administration and management of the school, including the organization structure, Constitution or By-laws and any required contracts.

(b) the charter applicant shall submit to the Secretary for approval a copy of the school's code of conduct outlining the criteria and procedure for expulsion of students;

(c) the charter applicant shall provide the Secretary with written documentation that the building in which the charter school is located is approved for use as a school by the building inspector in the municipality in which the charter school is located;

(d) the charter applicant shall provide the Secretary with written documentation that the premises occupied by the charter school has been inspected by the Fire Department of the municipality in which the charter school is located;

(e) if explosives or flammable compounds or liquids are used in connection with courses taught at the school, the charter applicant shall provide the Secretary with written documentation that approval under M.G.L. c. 148 has been secured from the licensing authority of the municipality in which the school is located; and

(f) the charter applicant shall provide the Secretary with written documentation that the school is in compliance with all other applicable federal and state health and safety laws and regulations, including evidence of compliance with any required insurance coverage.

1.06: Charter School Funding

The following funding mechanism shall apply to the charter school and to the sending district:

(1) Any operating charter school shall be entitled to receive a per pupil tuition payment from a sending district(s) in accordance with M.G.L. c. 71, § 89.

(2) The average per pupil tuition amounts shall be determined by the Department of Education in accordance with the most recent Department data for each school district.

(3) The Secretary shall notify both the charter school and the sending district(s) of the total tuition amount to be transferred.

(4) The tuition amount will be paid to the charter school by the sending district(s) under such arrangements as the charter school and the sending district(s) may make, provided that in the event the parties cannot agree on the time or method of payment, the Secretary may establish the time or method of payment.

1.07: Ongoing Review of Charter Schools

(1) Annual Report. A charter school shall submit to the Secretary, to each parent or guardian of its enrolled students, and to each parent or guardian contemplating enrollment in that charter school an annual report. The annual report shall be issued no later than August first of each year for the preceding school year. The annual report shall include the following information:

(a) a financial statement setting forth by appropriate categories the revenue and expenditures for the year just ended, and a balance sheet setting forth the charter school's assets, liabilities, and fund balances or equities;

(b) projections of income and expenses for the upcoming school year;

(c) discussion of progress made toward achievement of the goals of the charter; and

(d) such other information as the Secretary may require in guidelines.

(2) Additional Reports. The charter school shall be responsible for filing any data reports or school returns as required under public school law and regulations. The schedule and form of the reports shall be set forth in guidelines. Such reports shall be available to the Secretary and to the public.

(3) Material Changes. The Secretary shall be notified immediately of any changes which may have a significant impact on the charter school's ability to carry out its goals or mission as stated in its charter. The Secretary may review material changes for compliance with provisions of the school's charter.

(4) Code of Conduct. The charter school shall submit to the Secretary for approval copies of any changes in the code of conduct outlining criteria and procedure for expulsion of students.

(5) Additional Information. At the discretion of the Secretary, charter schools may be required to submit additional information other than that specifically required by 601 CMR 1.00. This information may include an audit of the charter school's financial records.

(6) Signatory Authorization. Any information supplied to the Secretary by the charter school under 601 CMR 1.07 must be signed by an individual given signatory authorization by the charter school board of trustees. All such information is submitted under penalty of perjury.

1.08: Complaint Procedure

(1) A parent, guardian or other individual or group who believes that a charter school has violated or is violating any provision of M.G.L. c. 71, § 89 or 601 CMR 1.00 may file a complaint with the charter school's board of trustees.

(2) The board of trustees shall respond no later than thirty days from receipt of the complaint in writing to the complaining party.

(3) The board of trustees shall, pursuant to a complaint received under 601 CMR 1.08, or on its own initiative, conduct reviews to ensure compliance with M.G.L. c. 71, § 89 and 601 CMR 1.00. The charter school and the specific individuals involved shall cooperate to the fullest extent with such review.

(4) To the extent the complaining party believes the complaint has not been adequately addressed by the charter school board of trustees, the complaining party may submit the complaint in writing to the Secretary who shall investigate such complaint and make a formal response.

(5) In the event the charter school is found in non-compliance with M.G.L. c. 71, § 89 or 601 CMR 1.00, as a result of a complaint or upon investigation, the Secretary may take such action as the Secretary deems appropriate, including, but not limited to, suspension or revocation of the charter under 601 CMR 1.11, or referral of the matter to the District Attorney or the Office of the Attorney General for appropriate legal action.

1.09: Amendments to Charters

Amendments to Charters. A charter school may submit to the Secretary at any time a request for amendments to its charter, which shall be granted at the Secretary's discretion. The Secretary shall within 30 days review any requests and notify the school in writing of the decision to grant or deny said amendments and the reasons therefor.

1.10: Renewal of Charters

The following procedures shall be followed by a charter school seeking renewal of its charter:

(1) Application for renewal of a charter to operate a charter school under 601 CMR 1.00 shall be made no later than the beginning of the fourth year of operation of the charter school. The Secretary shall notify the charter applicant of the decision to renew or not to renew the charter no later than March 15 of the fourth year of operation.

(2) The charter school may apply for renewal of its charter under renewal application guidelines established by the Secretary.

(3) All charter school renewals will be subject to an evaluation process which will be set forth in guidelines established by the Secretary. All charter schools will be evaluated on the same performance criteria as provided in the guidelines, provided, however, that the criteria will take into account each school's own statement of purposes and objectives, assuming this statement reflects legitimate educational goals and complies with applicable provisions of M.G.L. c. 71 or with any other applicable law or regulation.

(4) Before charter renewal, the charter school shall submit written documentation that the school remains in compliance with all building, health, safety and

insurance requirements established as conditions for charter granting in 601 CMR 1.05(2) and that all related inspections and approvals are current.

(5) The Secretary will review renewal applications and notify applicants by the final day of the fourth year of the term of charter of the approval or denial of the renewal application and the reasons therefor. In the event the renewal is denied, the charter school shall have all rights of review as provided in M.G.L. c. 30A and 801 CMR 1.00.

(6) Charters which are renewed shall be for five years from the expiration of the previous charter under such conditions as the Secretary may establish. Charters of schools which do not file renewal applications shall expire at the end of the fifth year of the charter grant.

1.11: Charter Revocation, Suspension, and Probation.

(1) The Secretary may suspend or revoke a charter issued under 601 CMR 1.05(2) for cause, including but not limited to:

(a) a material misrepresentation in the application for approval of the charter;
(b) failure to comply with the terms of the charter, with any of the applicable provisions of M.G.L. c.71, or with any other applicable law or regulation;
(c) insolvency or financial instability;
(d) misappropriation, conversion, mismanagement, or illegal withholding of funds or refusal to pay any funds that belong to any person otherwise entitled thereto and that have been entrusted to the charter school or its administrators in their fiduciary capacities;
(e) fraud or gross mismanagement on the part of charter school administrators or board of trustees;
(f) criminal convictions on the part of the charter school or its board of trustees; or
(g) failure to fulfill any conditions imposed by the Secretary in connection with the grant of a charter.

(2) Before the suspension or revocation of a charter by the Secretary, the charter school shall be given written notice that the Secretary intends to suspend or revoke a charter. The notice shall be given sixty days before the suspension or revocation taking effect.

(3) Upon receiving a notice of intent to suspend or revoke a charter, or notice of an emergency suspension or revocation where the health, safety or education of the school's students is at immediate risk, the school shall have all rights of review as provided in M.G.L. c. 30A, § 13, and 801 CMR 1.00. All requests for hearings, where hearings are provided by said statutes, shall be in writing, addressed to the Secretary, and must be received within fifteen days of receipt by the charter school of the notice to suspend or revoke a charter.

(4) The Secretary may place a charter school on probation rather than suspend or revoke a charter in order to allow the implementation of a remedial plan approved by the Secretary. If said plan is unsuccessful in remediating the problem or alleviating the causes of the probation, the charter may be summarily revoked.

1.12: Severability Clause

If any section or portion of a section of 601 CMR 1.00, or the applicability of 601 CMR 1.00 to any person, entity or circumstance is held invalid by a court, the remainder of 601 CMR 1.00 or the applicability of such provisions to other persons, entities or circumstances shall not be affected thereby.

REGULATORY AUTHORITY

601 CMR 1.00: M.G.L. c. 15A, § 3; M.G.L. c. 71; M.G.L. c. 76, § 12B.

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